

### ***REMARKS***

This is a full and timely response to the outstanding Office action mailed September 13, 2004. Upon entry of the amendments in this response claims 1-20 are pending. More specifically, claims 1, 6, 11, and 16 are amended. These amendments are specifically described hereinafter. It is believed that the foregoing amendments add no new matter to the present application.

#### **I. Present Status of Patent Application**

Claims 1, 2, 6, 7, 11, 12, 16 and 17 are rejected under 35 U.S.C. 102(e) as allegedly being anticipated by *Berstis*, U.S. Patent No. 6,182,122 hereinafter referred to as *Berstis*. Claims 3-5, 8-10, 13-15 and 18-20 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Berstis*, as applied to claim 1 above, in view of Barrett *et al.*, U.S. Patent No. 5,727,129 hereinafter referred to as Barrett.

#### **II. Examiner Interview**

Applicant first wishes to express his sincere appreciation for the time that Examiner Chankong spent with Applicants' Attorneys Jeffrey Kuester and Benjamin Balser during an November 12, 2004 telephone discussion regarding the above-identified Office Action. Applicants believe that certain important issues regarding a custom prediction aspect were identified during the telephone discussion, and that they are resolved herein. During that conversation, Examiner Chankong seemed to indicate that it would be potentially beneficial for Applicants to file this amendment and response. Thus, Applicants respectfully request that Examiner Chankong carefully consider this amendment and response.

#### **III. Miscellaneous Issues**

Reference to claim 2 is left out of the delineation of the rejection of the claims on page 2, section 3. However, claim 2 is specified as rejected within the group on page 4, in section 5. Therefore, this response will proceed as if page 2 section 3 reads: "Claims 1, 2, 6, 7, 11, 12, 16

and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by *Berstis*, U.S. Patent No. 6,182,122.

#### IV. Rejections Under 35 U.S.C. §102(b)

##### A. Claims 1 and 2

The Office Action rejects claim 1 under U.S.C. §102(e) as being anticipated by *Berstis* (U.S. Patent No. 6,182,122). For the reasons set forth below, Applicants respectfully traverse the rejection.

##### **Independent claim 1** recites:

1. A system for facilitating communication between a user and a network of information items, comprising:

a remote data storage device for storing the information items, wherein the information items are stored in the form of pages, and wherein the pages contain a plurality of links to other information items;

a client device having a user interface program thereon, for allowing a user to interface with the network and request the information items;

a server device, in communication with the client device and in communication with the remote storage device, for handling information requests from multiple clients and for storing information retrieved from the data storage devices locally in a server cache memory;

a user authentication module for authenticating a user;

a data collection module for collecting and *storing successive actions of the authenticated user*; and

a probability module in communication with the data collection module for calculating a probability for the desirability of the links by the user and for comparing the probability to a predetermined threshold value to identify predicted links and for retrieving the predicted information items associated with the links from the remote data

storage devices and storing the predicted information items in the server cache memory in advance of a user request for the selected information items.

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. *See, e.g., E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 U.S.P.Q.2d 1129 (Fed. Cir. 1988).

Applicants respectfully submit that independent claim 1 as amended is allowable for at least the reason that *Berstis* does not disclose, teach, or suggest at least **collecting and storing successive actions of the authenticated user**. *Berstis* does not disclose that the prediction is customized for an authenticated user. Notwithstanding, no such teaching can be identified anywhere within this reference. Therefore, *Berstis* does not anticipate claim 1, and the rejection should be withdrawn.

Because independent claim 1 as amended is allowable over the cited art of record, dependent claim 2 (which depends from independent claim 1) is allowable as a matter of law for at least the reason that dependent claim 2 contains all the steps/features of independent claim 1. *See Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002) *Jeneric/Pentron, Inc. v. Dillon Co.*, 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000); *Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989). Therefore, since dependent claim 2 is patentable over *Berstis*, the rejection to claim 2 should be withdrawn and the claim allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 1, dependent claim 2 recites further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited art of record. Hence there are other reasons why dependent claim 2 is allowable.

B. Claims 6 and 7

The Office Action rejects claims 6 and 7 under U.S. C. §102(e) as being anticipated by *Berstis* (U.S. Patent No. 6,182,122). For the reasons set forth below, Applicants respectfully traverse the rejection.

**Independent claim 6** recites:

6. A method for facilitating communication between a user and a network of information items, comprising:
- storing the information items on a remote data storage device, wherein the information items are stored in the form of pages, and wherein the pages contain a plurality of links to other information items;
  - configuring a client device having a user interface program thereon, to allow a user to interface with the network and request a download of the information items;
  - configuring a server device for handling information requests from multiple clients and for storing information retrieved from the data storage devices locally in server cache memory;
  - authenticating a user;
  - collecting and storing successive actions of the authenticated user;*
  - calculating a probability for the links;
  - comparing the probability to a predetermined threshold value;
  - retrieving the information items associated with the links from the remote data storage devices; and
  - storing the information items in the server cache memory in advance of a user request for the selected information items.

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. *See, e.g., E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 U.S.P.Q.2d 1129 (Fed. Cir. 1988).

Applicants respectfully submit that independent claim 6 as amended is allowable for at least the reason that *Berstis* does not disclose, teach, or suggest at least **collecting and storing successive actions of the authenticated user**. *Berstis* does not disclose that the prediction is customized for an authenticated user. Notwithstanding, no such teaching can be identified

anywhere within this reference. Therefore, *Berstis* does not anticipate claim 6, and the rejection should be withdrawn.

Because independent claim 6 as amended is allowable over the cited art of record, dependent claim 7 (which depends from independent claim 6) is allowable as a matter of law for at least the reason that dependent claim 7 contains all the steps/features of independent claim 6. *See Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002) *Jeneric/Pentron, Inc. v. Dillon Co.*, 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000); *Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989). Therefore, since dependent claim 7 is patentable over *Berstis*, the rejection to claim 7 should be withdrawn and the claim allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 6, dependent claim 7 recites further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the prior references of record. Hence there are other reasons why dependent claim 7 is allowable.

C. Claims 11 and 12

The Office Action rejects claims 11 and 12 under U.S.C. §102(e) as being anticipated by *Berstis* (U.S. Patent No. 6,182,122). For the reasons set forth below, Applicants respectfully traverse the rejection.

**Independent claim 11** recites:

11. A method for facilitating communication between a user and a network of information items, comprising:

means for storing the information items on a remote data storage device, wherein the information items are stored in the form of pages, and wherein the pages contain a plurality of links to other information items;

means for configuring a client device having a user interface program thereon, to allow a user to interface with the network and request a download of the information items;

means for configuring a server device for handling information requests from multiple clients and for storing information retrieved from the data storage devices locally in server cache memory;

means for authenticating a user

means for *collecting and storing successive actions of the authenticated user*;

means for calculating a probability for the links;

means for comparing the probability to a predetermined threshold value;

means for retrieving the information items associated with the links from the remote data storage devices; and

means for storing the information items in the server cache memory in advance of a user request for the selected information items.

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. *See, e.g., E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 U.S.P.Q.2d 1129 (Fed. Cir. 1988).

Applicants respectfully submit that independent claim 11 as amended is allowable for at least the reason that *Berstis* does not disclose, teach, or suggest at least **collecting and storing successive actions of the authenticated user**. *Berstis* does not disclose that the prediction is customized for an authenticated user. Notwithstanding, no such teaching can be identified anywhere within this reference. Therefore, *Berstis* does not anticipate claim 11, and the rejection should be withdrawn.

Because independent claim 11 as amended is allowable over the cited art of record, dependent claim 12 (which depends from independent claim 11) is allowable as a matter of law for at least the reason that dependent claim 12 contains all the steps/features of independent claim 11. *See Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002) *Jeneric/Pentron, Inc. v. Dillon Co.*, 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000); *Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989). Therefore, since dependent claim 12 is patentable over *Berstis*, the rejection to claim 12 should be withdrawn and the claim allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 11, dependent claim 12 recites further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited art of record. Hence there are other reasons why dependent claim 12 is allowable.

D. Claims 16 and 17

The Office Action rejects claims 16 and 17 under U.S.C. §102(e) as being anticipated by *Berstis* (U.S. Patent No. 6,182,122). For the reasons set forth below, Applicants respectfully traverse the rejection.

**Independent claim 16** recites:

16 A network for facilitating communication between a user and a network of information items, comprising:

a remote data storage device for storing the information items, wherein the information items are stored in the form of pages, and wherein the pages contain a plurality of links to other information items;

a client device having a user interface program thereon, for allowing a user to interface with the network and request a download of the information items;

a server device, in communication with the client device and in communication with the remote storage device, for handling information requests from multiple clients and for storing information retrieved from the data storage devices locally in server cache memory;

an authentication module for authenticating a user;

a data collection module for *collecting and storing successive actions of the authenticated user*; and

a probability module in communication with the data collection module for calculating a probability for the links, and for comparing the probability to a predetermined threshold value, and for retrieving the information items associated with



the links from the remote data storage devices and storing the information items in the server cache memory in advance of a user request for the selected information items.

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. *See, e.g., E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 U.S.P.Q.2d 1129 (Fed. Cir. 1988).

Applicants respectfully submit that independent claim 16 as amended is allowable for at least the reason that *Berstis* does not disclose, teach, or suggest at least **collecting and storing successive actions of the authenticated user**. *Berstis* does not disclose that the prediction is customized for an authenticated user. Notwithstanding, no such teaching can be identified anywhere within this reference. Therefore, *Berstis* does not anticipate claim 16, and the rejection should be withdrawn.

Because independent claim 16 as amended is allowable over the cited art of record, dependent claim 17 (which depends from independent claim 16) is allowable as a matter of law for at least the reason that dependent claim 17 contains all the steps/features of independent claim 16. *See Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002) *Jeneric/Pentron, Inc. v. Dillon Co.*, 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000); *Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989). Therefore, since dependent claim 17 is patentable over *Berstis*, the rejection to claim 17 should be withdrawn and the claim allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 16, dependent claim 17 recites further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited art of record. Hence there are other reasons why dependent claim 17 is allowable.



**V. Rejections Under 35 U.S.C. §103(a)****A. Claims 3-5, 8-10, 13-15, and 18-20**

The Office Action rejects claims 3-5, 8-10, 13-15, and 18-20 under 35 U.S.C. §103(a) as being unpatentable over *Berstis* (U.S. Patent No. 6,182,122 ) in view of *Barrett et al.*, (U.S. Patent No. 5,727,129). For the reasons set forth below, Applicants respectfully traverse the rejection.

Because independent claims 1, 6, 11, and 16 are allowable over the cited art of record, dependent claims 3-5, 8-10, 13-15, and 18-20 (which depend from their respective independent claims 1, 6, 11, and 16) are allowable as a matter of law for at least the reason that dependent claims 3-5, 8-10, 13-15, and 18-20 contain all the steps/features of their respective independent claims 1, 6, 11, and 16. *See Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002) *Jeneric/Pentron, Inc. v. Dillon Co.*, 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000); *Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989). Therefore, the rejection to claims 3-5, 8-10, 13-15, and 18-20 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claims 1, 6, 11, and 16, dependent claims 3-5, 8-10, 13-15, and 18-20 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited art of record. Hence there are other reasons why dependent claims 3-5, 8-10, 13-15, and 18-20 are allowable.

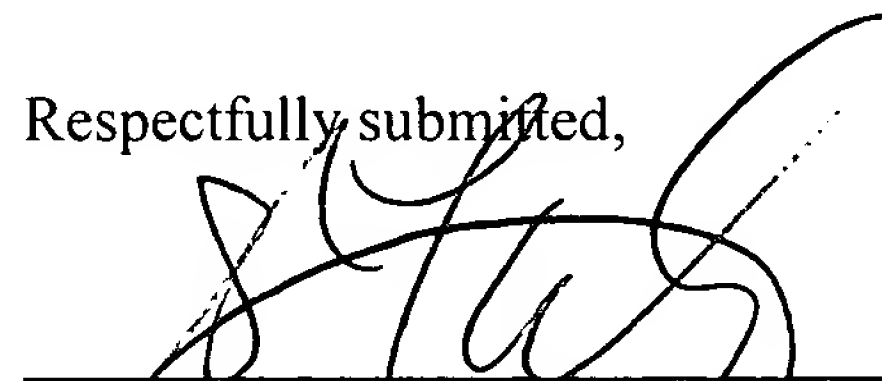
**VI. Cited Art Made of Record**

The cited art made of record have been considered, but are not believed to affect the patentability of the presently pending claims. Other statements not explicitly addressed herein are not admitted.

***CONCLUSION***

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-20 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,

  
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